



FREDERICK COUNTY PLANNING COMMISSION

July 8, 2015

TITLE: Chick-fil-A Riverview Plaza

FILE NUMBER: SP-95-23, AP#15330, APFO#15332, FRO#15333

REQUEST: **Site Development Plan and APFO Approval**
The Applicant is requesting site development plan and adequate public facilities approval for replacement of the existing 3,882 square foot restaurant and drive through with a 4,890 square foot restaurant and drive through including an 818 square foot outdoor dining area, on a 1.48-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5501 Urbana Pike, located along 355, north of Genstar Drive

TAX MAP/PARCEL: Tax Map 77, Parcel 310, Lot 1B

COMP. PLAN: Mixed Use

ZONING: General Commercial

PLANNING REGION: Frederick

WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Chick-fil-A, Inc.

OWNER: Chick-fil-A, Inc.

ENGINEER: Bohler Engineering

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1-Site Plan Rendering
Exhibit 2-Modification Request
Exhibit 3-Chick-fil-A Letter of Understanding

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site plan and adequate public facilities approval for replacement of the existing 3,882 square foot restaurant and drive through with a 4,890 square foot restaurant with drive through and an 818 square foot outdoor dining area, on a 1.48-acre site. The proposed use is being reviewed as a "Restaurant" land use under the heading of *Commercial Business and Personal Services* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial Zoning District subject to site development plan approval.

Modifications Requested:

1. Parking Modification (§1-19-6.220.A.1) to allow 71 parking spaces rather than the required number of 24.
2. Loading Modification (§1-19-6.210.A.2) to allow one large loading space, with a modified dimension of 16'x66', in lieu of the required 12'x50' loading space.
3. Alternate Landscaping Plan (§1-19-6.500.I) to allow a portion of the required parking area shrubs to be located throughout the development as depicted on the Chick-Fil-A Site Development Plan rather than within the landscape area of the central parking bays
4. Lighting Modification (§1-19-6.500.B.2) to allow a light pole height of 27' rather than the maximum of 18' for commercial uses.
5. Lighting Modification (§1-19-6.500.D) to allow light spillage over the property line above the required 0.5 foot candle limit.

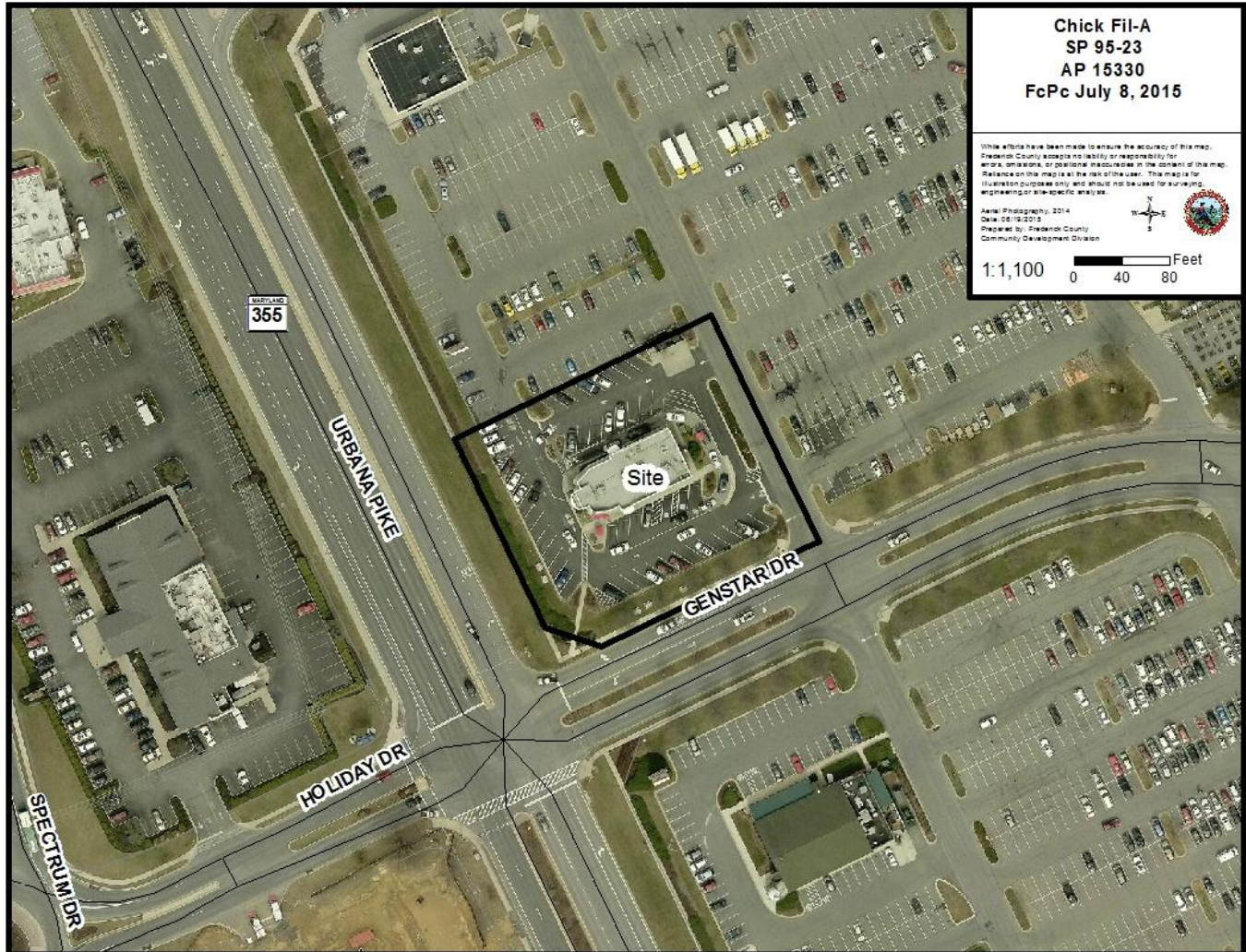
Phasing and Construction Process: Staff and the Applicant worked together to develop a phased construction schedule in order to keep the existing restaurant's drive-through functional throughout the majority of the proposed construction, as requested by the Applicant. The Phasing plan will allow the drive-through portion of the restaurant to remain open for approximately 14 of the 21 weeks of estimated construction time. The Phasing plan details the installation of temporary fencing, designed to separate the drive-through patrons and restaurant employees from any construction activity on site. The site is anticipated to be fully closed during the last 7 weeks of construction represented as Phase III. Staff requested that the Applicant provide copies of the Phasing Plan as part of the site development plan submission package for information purposes.

BACKGROUND

Development History

The existing Chick-fil-A site (see Graphic #1 below) has site plan approval for a 3,822 square foot Chick-fil-A restaurant with a drive through on a 1.13 acre site (see Graphic #1 below). The site would be redeveloped with a 4,890 square foot Chick-fil-A restaurant with drive through and an 818 square foot outdoor dining area, on a 1.48-acre site. An Addition Plat (AP 15329) to transfer .35 of an acre from the Home Depot parcel to the Chik-fil-A parcel is being processed concurrently with the proposed site development plan in order to increase available on-site Chik-fil-A parking.

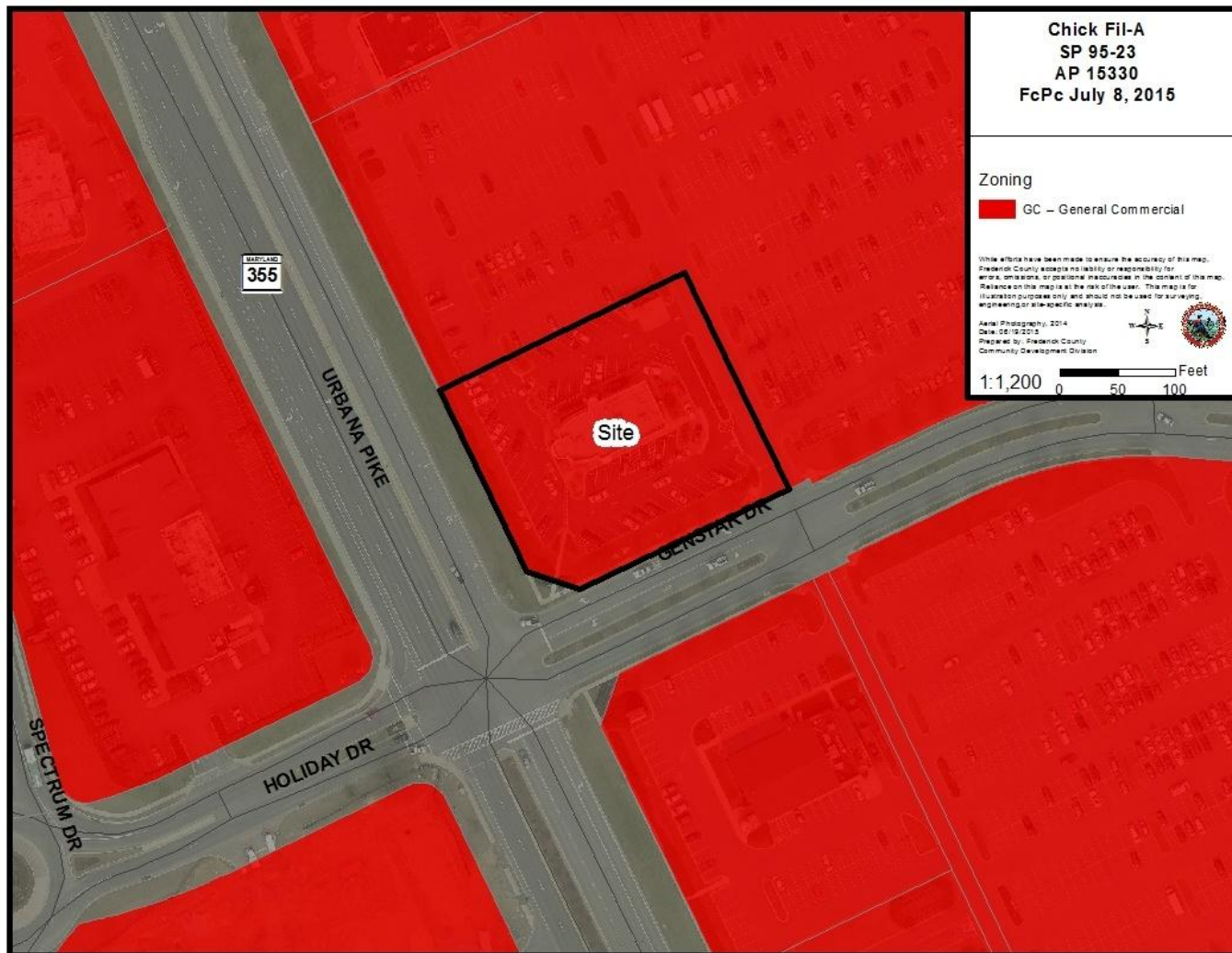
Graphic #1: Site Aerial



Existing Site Characteristics

The site is currently zoned General Commercial (GC) (see Graphic #2 below). The properties to the north, south, east, and west of the site are also zoned GC. Properties to the north, south and east are developed with the existing Riverview Plaza Shopping Center. Home Depot is located on the parcel immediately to the east of the existing Chik-fil-A, with TJ Maxx, Michaels, and Staples to the north and east beyond an intervening vehicle drive aisle. CarMax is located immediately north of, and adjacent to, the shopping center northern boundary. MD 355 makes up the western property border.

Graphic #2: Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The principal issues associated with this development proposal are the overall construction phasing, additional internal pedestrian circulation, and inter-parcel connections with adjacent land uses.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

Dimensional Requirements/Bulk Standards §1-19-6.100: The proposed Site Development Plan adheres to the lot dimensions required for the General Commercial Zoning District (see Graphic #2).

The proposed setbacks for the grocery are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,000	1.49 acres
Minimum Lot Width	100'	232.91'
Front Yard (east/south)	25'	35.91' & 62.13'
Side Yard (west/north)	8'	193.19' & 57.92'
Max Building Height	60'	25'

- Note this site is a corner lot containing two front yards and two side yards, therefore no rear yard is required.

2. **Signage §1-19-6.300:** The Applicant is permitted to have 128.67 square feet of signage based on the length of the two facades facing the public streets. The signage calculation is listed in Signage Note on Sheet 2 of the site plan. The Applicant has not provided specific signage details as part of the proposed site development plan. Therefore, the site development plan establishes a total of 113.73 square feet of available signage for the site. Specific sign details will be reviewed and approved by a separate sign permit. The proposed total amount signage meets the requirements of the zoning ordinance.

3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan on Sheet 5 of the site plan. The landscaping plan proposes a mixed of evergreen and deciduous shrubs and tree species in order to be compliant with the zoning ordinance as well as increase the aesthetic of the site and overall development. The Applicant has proposed a significant amount of landscaping in strategic locations throughout the site. The mixture of shrubs and trees meets the intent of the Zoning Ordinance but will require Planning Commission approval of an alternate landscape plan to accommodate the lack of shrubs at the end of the center parking bays. These shrubs have been provided at other locations within the Site. The Applicant is retaining 5 of the existing mature trees along Genstar Drive as part of the landscaping street tree requirement. With an

Chick-fil-A: Riverview Plaza Shopping Center

July 8, 2015

Page 5 of 19

approved alternate landscape plan, the proposed landscaping meets the requirements listed in 1-19-6.400 of the Zoning Ordinance for canopy cover, parking area landscaping, buffering and screening, and street trees.

4. **Screening §1-19-6.400:** The parking areas are located on the north side of the proposed relocated restaurant. The Applicant has provided for a wide assortment of shrubs and trees that will help screen the parking field from MD 355 and Genstar Drive.
5. **Lighting §1-19-6.500:** The Applicant has proposed a lighting plan, which is shown on Sheet 8 of the site plan. The site will be served by three existing 30' to 35' foot tall Riverview Shopping Center lights located at the periphery of the site. The Applicant is proposing (7) 27' foot tall light poles in order to provide safe and efficient lighting throughout the interior of the site. The Applicant is seeking a modification from Zoning Ordinance (Z.O.) Section 1-19-6.500.B.2 (see Exhibit #2), which states that "Pole and building mounted lighting shall not exceed a maximum height of: 18 feet for commercial uses." The Applicant is proposing a light pole height of 27' in lieu of the required 18' poles. The Applicant's request for relief is based on the standard Chick-fil-A light pole height.

The Applicant is also seeking a lighting modification in accordance with Z.O. Section 1-19-6.500.D, to permit light spillage over 0.5 foot candles at the periphery of the property. The Applicant states that the existing 30'-35' foot tall shopping center light poles make it difficult to minimize the light levels and subsequent spillage. Additionally, interior lights are necessary to provide safe lighting levels throughout the site and along all connecting sidewalks located within the right-of-way. Due to existing area lights throughout Riverview Plaza and along the right-of-way lines, it is anticipated that foot-candle levels will exceed 0.5 at the Chick-fil-A property line. A maximum of 4.6 foot-candles is anticipated at the property line. There are three main areas of higher light readings which are located under the three existing shopping center pole lights. The remaining readings around the periphery of the parcel range from 1.0 to 3.5 foot candles.

Conditions

1. **Alternate Landscaping Plan: (§1-19-6.500.I):** the Applicant is requesting approval to allow a portion of the required parking area shrubs to be located throughout the development as depicted on the Chick-fil-A Site Development Plan rather than within the landscape area of the central parking bays.
2. **Lighting Modification: §1-19-6.500.B.2:** The Applicant is seeking a modification to allow a light pole height of 27' over the required 18' light pole for the GC Zoning District.
3. **Lighting Modification: §1-19-6.500.D:** The Applicant is seeking a modification to allow light spillage over the property line above the required 0.5 foot candle limit.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The Chick-fil-A Site sits at the corner of Genstar Drive and MD 355. The Site can be accessed via the shopping center entrance on Genstar Drive. Currently there are two existing access points into the Site from the north/south service road that runs through the shopping center, and one access point to the north into the existing Home Depot parking lot.

After development of the proposed restaurant two access points will remain onto the existing service drive (the Home Depot parking lot access will be closed) providing a more controlled and safer ingress/egress to/from the site.

2. **Connectivity §1-19-6.220 (F) & §1-19-3.300.B:**

In May of 2006, the Monocacy Plaza (AP 4823) was submitted and reviewed at that time the connection to the Riverview Plaza shopping center was shown on the site plan; FCPC conditionally approved that site plan in October of 2006.

At that time it was outlined in the Staff report the following: "The applicant has noted on the plan that construction easement are being proposed for the future connection to the Concrete plant. Currently, the Riverside Plaza plan has provided a construction easement so that the applicant may provide a connection between the two properties. *In the future the applicant shall provide the necessary reciprocal easements when the adjoining property is redeveloped.*"

The October 2006 Staff Report also has a condition of approval, which states "*In the future the applicant shall provide the necessary receptacle easements when the adjoining property is redeveloped.*"

On May 11, 2011, the FCPC conditionally approved the adjacent CarMax site development plan (AP# 11651). During the initial site development planning stages of the CarMax site the Applicant worked with Staff to construct a driveway connection to the adjacent Riverview Plaza parking area to the south (see Graphic #3 below).

Graphic #3: Carmax and Riverview Plaza



During the initial planning of the CarMax site the applicant and Staff reached out to the owners of Riverview Plaza in order to coordinate an interparcel connection. Staff stressed the value of the connection to the shopping center because the connection provided a direct access to a signalized intersection with MD 355 that would provide safer and more efficient ingress and egress for patrons of the northern portion of the center. During these unsuccessful talks with the shopping center Staff also stressed that if the interparcel connection was not constructed in conjunction with the CarMax development, when and if the shopping center ever came in for a plan amendment, Staff would require the connection to be completed. An agreement with the shopping center was not obtained at the time of the CarMax development review and ultimate approval. The portion of the interparcel connection on the CarMax parcel was constructed but it was not connected through to the shopping center (see Graphic #3 above).

Staff has stressed to Chick-fil-A representatives from initial meetings and throughout the review process that the interparcel connection to the Carmax site would be needed.

This interparcel connection is a crucial step towards greater access management along the MD 355 corridor. Once the through connection is made with Carmax there will be three full movement access points to the shopping center, two of which will be controlled. The additional signal will help to relieve the two existing full movement access points, only one of which is

presently controlled by a traffic light. The CarMax connection will also reduce the number of left turns onto Lowe's Lane from northbound MD 355. Finally, the inter-parcel connection will permit access for trips between the two commercial centers without having to turn out onto MD 355, thus providing a much safer vehicle circulation pattern. To date, Staff has been unable to obtain agreement for construction of the interparcel connection and it has not been depicted or added as a note on the proposed site development plan.

If the CarMax connection is not fully constructed through to the Riverview Plaza parcel Staff cannot find that the criteria listed in the below Zoning Ordinance Sections have been met, and would have to recommend denial:

1. **Connectivity §1-19-6.220 (F):** *Adjacent parking areas. Where a proposed parking area is adjacent to a developed or undeveloped site within the same or similar zoning district, the proposed parking area **must be designed to connect to the existing or future adjacent parking area**. This requirement may be waived by the Planning Commission where it is deemed to be impractical.*
2. **Connectivity §1-19-3.300.4 (B):** *Site plan review is intended to promote safe and efficient development that **maximizes compatibility and connections with existing or anticipated surrounding land uses** and the natural environment through careful consideration of site development, transportation and parking, public utilities, natural features, and common areas, as required by this chapter.*

Therefore, a condition of approval has been added to the proposed site development plan requiring construction of the interparcel connection between the CarMax site and Riverview Plaza shopping center. The interparcel connection shall be open to traffic prior to issuance of the Certificate of Occupancy for the proposed Chick-fil-A restaurant.

3. **Public Transit:** This site is served by the #20 Francis Scott Key Mall Connector with a nearby stop at the Target Store and the #10 Mall to Mall Connector with a stop at the Monocacy MARC Station, just behind the Target Store.

4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**

- a. **Parking:** The parking target for a restaurant is one space for every 75 square feet of customer floor area excluding preparation and/or storage areas.

Therefore, the target number for vehicle parking is 24 spaces. The Applicant has requested approval for 71 spaces, including 4 ADA spaces.

In accordance with §1-19-6.220.A.1, the Applicant is seeking a 47 space increase from the target number of parking spaces. The Applicant has provided a modification statement (see Exhibit #2). Based on characteristics of the proposed use and the Applicant's extensive knowledge of the function of the existing development, Staff has no objection to the increase of 47 spaces from the target parking number.

- b. **Loading:** The Applicant is required to provide 1 large loading space in accordance with Zoning Ordinance Section 1-19-6.210 for the proposed building. The Applicant is seeking a modification in order to provide one large loading space, with a modified dimension of 16'x66' in lieu of the required 12'x50' loading space. The Applicant has provided a modification statement (see Exhibit #2).

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided 4 bike racks at the entrance of the grocery, which satisfies the County requirements for bike rack number, type, and location.

Chick-fil-A: Riverview Plaza Shopping Center

July 8, 2015

Page 9 of 19

- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** The Riverview Plaza site has existing sidewalks along the MD 355 as well as the Genstar Drive frontages. The Applicant is proposing a sidewalk link, across the drive through lane which will connect the existing sidewalk along MD 355 to the restaurant. The Applicant worked with Staff in order to design an internal pedestrian pathway system within the center of the parking area in order to provide a safe and clearly defined route from the parking area into the restaurant. This sidewalk system will also provide employees a safe route from the restaurant to the dumpster/storage enclosure. In addition, an ADA compliant sidewalk missing link will be constructed on the southern end of the shopping center so that once the sidewalk is built by the new developer of the old Wicks Lumber facility; a continuous sidewalk will exist between the CarMax, Chick-fil-A and the Monocacy Battlefield.

Conditions

1. **Parking Modification: §1-19-6.220.A.1:** The Applicant is seeking a 47 space increase from the target number of parking spaces.
2. **Loading Modification: §1-19-6.210.A.2:** The Applicant is seeking a modification in order to provide one large loading space, with a modified dimension of 16'x66' in lieu of the required 12'x50' loading space.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is, and will continue to be, served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design Road WTP and Sewer flowing into the Ballenger McKinney WWTP.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The site is extremely flat; there is a slight drop in elevation for north to south for on site drainage.
2. **Vegetation:** The Site is completely developed and therefore no natural vegetation remains. The site contains the existing previously approved landscaping for the 3,822 square foot Chick-fil-A restaurant. With the exception of the existing street trees along Genstar Drive, the previously planted landscaping will be removed and replaced with the proposed landscaping as shown on Sheet 5 of the site plan.
3. **Sensitive Resources:** There are no sensitive environmental resources located on this site.
4. **Natural Hazards:** There are no natural hazards located on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** The site is a restaurant with drive through. There are no common areas proposed.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: All site stormwater management (SWM) shall be in accordance with the “2009 Maryland Stormwater Design Manual”. A SWM Concept Plan (AP 15331), has been submitted and is conditionally approved.

Subdivision Regulations – Chapter 1-16: The Applicant has submitted an addition plat (AP 15329) which proposes to add a .355 acre portion of Lot 1A (Home Depot parcel) to existing Lot 1B (Chick-fil-A) to create a 1.488 acre Lot 1B. The addition plat is necessary to provide the needed area for additional parking. The addition plat is in the final stages of approval and is required to be recorded prior to final signature approval of the site development plan.

APFO – Chapter 1-20:

1. **Schools.** Schools are not required to be tested due to the commercial uses proposed.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article § 9-512, et seq. and all applicable County regulations, including but not limited to § 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** No traffic impact analysis was performed for this Project because it did not meet the 50 new trip threshold for study. Based on the ITE trip generation rates for fast food restaurants with drive thru windows, the expansion of the restaurant would result in 24 additional am and 18 additional pm weekday, and 32 additional Saturday, peak hour trips. The site will now be capped at 222 total am and 160 total pm weekday, and 288 total Saturday, peak hour driveway trips. The Applicant is required to provide fair share contributions to existing escrow accounts, per §1-20-12(H), for the following accounts:
 1. Existing Escrow Account #3976 for MD 85/Guilford Drive Intersection: Addition of a second northbound left turn lane on MD 85 - The estimated cost of the Road Improvement is \$439,527. The Applicant's proportionate share of this Road Improvement is 0.43%. Therefore the Applicant hereby agrees to pay \$1,890 to the escrow account for this Road Improvement.
 2. Existing Escrow Account #4025 for MD 85/Spectrum Dr. Intersection: Addition of a third southbound through lane, outside lane being a through/right turn lane. The estimated cost of right-of-way and construction for this improvement is \$1,474,010. The Applicant's proportionate share of this Road Improvement is 1.78%. Therefore the Applicant hereby agrees to pay \$26,237 to the escrow account for this Road Improvement.

Chick-fil-A: Riverview Plaza Shopping Center

July 8, 2015

Page 11 of 19

- Existing Escrow Account #3259 for MD 85/I-270 NB Ramp Intersection: Second NB left and SB right turn lanes on MD 85. The estimated cost of the Road Improvement is \$3,200,000 as determined by DPDR-Traffic Engineering Staff, and the Applicant's proportionate share of this Road Improvement is 0.119%. Therefore the Applicant hereby agrees to pay \$3,808 to the existing escrow account for this Road Improvement.

Therefore, prior to the issuance of any building permits, the Applicant hereby agrees to pay \$31,935 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index. **Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on July 8, 2018.

Forest Resource – Chapter 1-21: FRO was previously mitigated for this site in 1997 via an off-site FRO easement on the Genstar property (L.2281 F414).

Historic Preservation – Chapter 1-23: There are no historic resources located on site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Approved
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	Conditional Approval
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan and Adequate Public Facilities Ordinance. If the Planning Commission conditionally approves the site plan, both the site plan and APFO approval are valid for a period of three (3) years from the date of Planning Commission approval and are therefore valid until July 8, 2018.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

- Address all agency comments as the plan proceeds through to completion.
- Prior to final signature approval of the Chik-fil-A site development plan the Applicant shall record Addition Plat (AP 15329) and list new Liber and folio numbers in the Chik-fil-A site development plan (AP 15330) notes.

Chick-fil-A: Riverview Plaza Shopping Center

July 8, 2015

Page 12 of 19

3. In accordance with Z.O. Section 1-19-3.300.4(B) & 1-19-6.220(F), the site plan shall be revised to show an inter-parcel connection between Tax Map 77, Parcel 18 (otherwise known as Carmax) and Tax Map 77, Parcel 310 (otherwise known as Riverview Plaza). The connection shall be extended from the existing interparcel connection on the Carmax parcel, to the existing central parking lot drive aisle on the Riverview Plaza parcel. The interparcel connection shall be open to traffic prior to issuance of the Certificate of Occupancy for the proposed Chick-fil-A restaurant.
4. An ADA compliant sidewalk missing link will be constructed on the southern end of the shopping center so that once the sidewalk is built by the new developer of the old Wicks Lumber facility; a continuous sidewalk will exist between the CarMax, Chick-fil-A and the Monocacy Battlefield. The sidewalk connection shall be open to traffic prior to issuance of the Certificate of Occupancy for the proposed Chick-fil-A restaurant.
5. Total on-site signage is limited to a maximum of 128.67 square feet
6. Complete the requirements of the Chick-fil-A APFO LOU.
7. Planning Commission approval of the requested Parking Modification (§1-19-6.220.A.1) to allow 71 parking spaces which is an increase of 47 spaces over the required number of 24 parking spaces.
8. Planning Commission approval of the requested Loading Modification (§1-19-6.210.A.2) to allow one large loading space, with a modified dimension of 16'x66' in lieu of the required 12'x50' loading space.
9. Planning Commission approval of an Alternate Landscaping Plan to allow a portion of the required parking area shrubs to be located throughout the development as depicted on the Chick-Fil-A Site Development Plan rather than within the landscape area of the central parking bays.
10. Planning Commission approval of the requested Lighting Modification (§1-19-6.500.B.2) to allow a light pole height of 27'.
11. Planning Commission approval of the requested Lighting Modification (§1-19-6.500.D) to allow light spillage over the property line above the required 0.5 foot candle limit.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE the Chick-fil-A Site Development Plan SP-95-23/AP# 15330 with conditions** as listed in the staff report **including APFO approval** for the proposed 4,890 square foot restaurant with drive through and a 818 square foot outdoor dining area, on a 1.48-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



June 29, 2015

Frederick County
Division of Permitting and Development Review
30 North Market Street
Frederick, Maryland 21701

Re: Modification Request
Chick-fil-A Frederick North
Riverview Plaza
Frederick County, MD
BECF #MD136510

To Whom It May Concern:

Bohler Engineering on behalf of its Client, Chick-fil-A, Inc., is seeking a modification to the regulation pursuant to Section 1-19-6.220.A.1 which states that: "All fast food restaurants [require] 1 space per each 75 square feet of floor area devoted to customer service, but excluding food preparation and storage." Chick-fil-A proposes to provide 71 spaces in lieu of the required 24 spaces. The request for relief arises from the need for Chick-fil-A to provide adequate parking for their employees (approximately 25 on the largest shift) and customers and to allow their restaurant to function properly as determined by current Chick-fil-A restaurants.

Chick-fil-A, Inc. is additionally seeking a modification to the regulation pursuant to Section 1-19-6.210.A.2 which states that: "Miscellaneous commercial uses over 1,000 – 5,000 sq.ft. [require] 1 small loading space." Chick-fil-A proposes a 16'x66.2' loading space in lieu of the required 12'x50' loading space. The request for relief arises from the need for Chick-fil-A to provide a loading space of adequate size for the delivery truck utilized without blocking drive aisles. Deliveries are anticipated while the restaurant is open.

Chick-fil-A, Inc. is additionally seeking a modification to the regulation pursuant to Section 1-19-6.500.B.2 which states that: "Pole and building mounted lighting shall not exceed a maximum height of: 18 feet for commercial uses." Chick-fil-A proposes to provide 27' high light poles in lieu of the maximum 18' poles. The request for relief is based on the standard Chick-fil-A light pole height. Additionally, the existing light poles within Riverview Plaza are approximately 30'-35' high.

Chick-fil-A: Riverview Plaza Shopping Center

July 8, 2015

Page 15 of 19

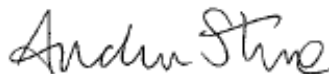
Chick-fil-A, Inc. is additionally seeking a modification to the regulation pursuant to Section 1-19-6.500.D which states that: "Lighting shall not exceed .50 foot-candles as measured from the property line." Property lines to the North and East are interior to the Riverside Plaza Shopping Center. Existing 30'-35' high lights are located near these property lines which make it difficult to minimize light levels in these locations. Additionally, reasonable levels of light are desired for safety within the overall shopping center. Property lines to the South and West are right-of-way frontage lines. Existing 30'-35' high lights are located near these property lines, as well, which make it difficult to minimize light levels in these locations. Additionally, reasonable levels of light are desired for safety along connecting sidewalks located within the right-of-way. Due to existing area lights throughout Riverside Plaza and along the right-of-way lines, it is anticipated that foot-candle levels will exceed .50. A maximum of 4.6 foot-candles is anticipated at the property line.

Chick-fil-A, Inc. is additionally seeking a modification to the regulation pursuant to Section 1-19-6.400-D-1 which states that between or at the end of each bay of parking spaces there shall be a planting area of at least 5 feet in width and that each planting area shall contain 1 tree at least 6 feet in height at the time of planting and groundcover containing at least two shrubs for every 100 square feet of landscape area. Pursuant to Section 1-19-6.400.I the Planning Commission may modify the minimum landscaping, buffering, and screening standards where specific finding is made that the required standards result in a practical difficulty, and where an alternate landscaping, buffering, and screening plan is approved by the Planning Commission. The request for relief arises from desire by both Chick-fil-A, Inc. and County staff to accommodate pedestrian access through the site. In response to this request, the trees which would be required at the end of parking bays have been relocated on-site and canopy cover for the site has been planted well above County minimum requirement of 20%.

In light of the aforesaid, it is our contention that the above modifications should be granted. We would request your confirmation of the same.

If you should have any questions or require additional information, please do not hesitate to contact our office at (410) 821-7900.

Sincerely,
BOHLER ENGINEERING



Andrew Stine, P.E.
Project Manager

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FREDERICK COUNTY GOVERNMENT

DIVISION OF COMMUNITY DEVELOPMENT
Department of Planning & Development Review

Jan H. Gardner
County Executive

Steven C. Horn, Division Director
Jim Gugel, Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Riverview Plaza: Chick-Fil-A Reconstruction

Site Plan #SP 95-23 AP #15332

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Chick-Fil-A, Inc. (the "Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Chick-Fil-A Site Plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (land conveyance and contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's proposal to demolish and reconstruct a 4,890sq. ft. restaurant with a drive through window and an additional 818 sq. ft. of outdoor seating, which is zoned GC (General Commercial), and located in the northern quadrant of MD 355 and Genstar Drive. This APFO approval will be for the development of an additional 1,781 sq. ft. of fast food restaurant, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on July 8, 2015.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer: The Property has a water and sewer classification of W-1 (Connected), S-1 (Connected). While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that building permits will be issued. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations.

Road Improvements: No traffic impact analysis was performed for this Project because it did not meet the 50 new trip threshold. Based on the ITE trip generation rates for fast food restaurants with drive thru windows, the expansion of the restaurant would result in 24 additional am, 18 additional pm, and 32 additional Saturday peak hour trips. The reconstructed site will be capped at 222 total am, 160 total pm, and 288 total Saturday peak hour driveway trips.

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www.FrederickCountyMD.gov

Chick-fil-A: Riverview Plaza Shopping Center

July 8, 2015
Page 17 of 19

The Developer is required to provide fair share contributions to existing escrow accounts, per §1-20-12(H), for the following accounts:

1. Existing Escrow Account #3976 for MD 85/Guilford Drive Intersection: Addition of a second northbound left turn lane on MD 85 - The estimated cost of the Road Improvement is \$439,527. The Developer's proportionate share of this Road Improvement is 0.43%. Therefore the Developer hereby agrees to pay \$1,890 to the escrow account for this Road Improvement.
2. Existing Escrow Account #4025 for MD 85/Spectrum Dr. Intersection: Addition of a third southbound through lane, outside lane being a through/right turn lane. The estimated cost of right-of-way and construction for this improvement is \$1,474,010. The Developer's proportionate share of this Road Improvement is 1.78%. Therefore the Developer hereby agrees to pay \$26,237 to the escrow account for this Road Improvement.
3. Existing Escrow Account #3259 for MD 85/I-270 NB Ramp Intersection: Second NB left and SB right turn lanes on MD 85. The estimated cost of the Road Improvement is \$3,200,000 as determined by DPDR-Traffic Engineering Staff, and the Developer's proportionate share of this Road Improvement is 0.119%. Therefore the Developer hereby agrees to pay \$3,808 to the existing escrow account for this Road Improvement.

Therefore, prior to the issuance of any building permits, the Developer hereby agrees to pay \$31,935 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on July 8, 2018.

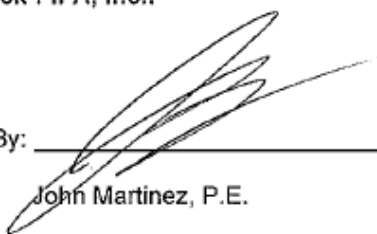
Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

Chick-Fil-A, Inc.:

By: _____

Date: _____


John Martinez, P.E.

6/15/15

FREDERICK COUNTY PLANNING COMMISSION:

By: _____

Date: _____

Dwaine E. Robbins, Chair or Anthony Bruscia, Secretary

ATTEST:

By: _____

Date: _____

Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)